

UNITED STATES DISTRICT COURT

MAY 01 2018

for the

Southern District of Texas

Clerk of Court

United States of America

v.

Pedro Ramirez

YOB: 1982

USC

Case No.

M-18-0909-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 27, 2017 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 8, U.S.C. §1324(a)(1)(A)(iii)

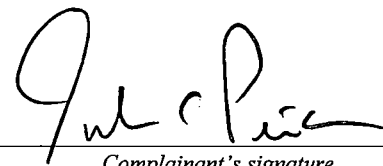
knowing or in reckless disregard of the fact that Javier Alejandro Nieto-Vara, a citizen of Mexico, who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempted to conceal, harbor, or shield from detection such alien in any place, including any building or means of transportation.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Approved:

Robert Williams ASST
5/1/2018

Complainant's signature

Julio Pena, Senior Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/10/18

City and state:

McAllen, Texas

Judge's signature

J Scott Hacker, United States Magistrate Judge

Printed name and title

Attachment "A"

On April 4, 2017, RGV Gang Intelligence Unit Agents obtained information that Francisco Javier Pena-Mota, a previously deported alien, was present at residence located at 3726 Cherokee Dr., Mercedes, Texas. Law enforcement agents surveilled the residence and observed Pena-Mota at the residence. On April 21, 2017, federal agents obtained an arrest warrant (M-17-0742-M) for Pena-Mota. On April 27, 2017, RGV Gang Intelligence Unit Agents travelled to 3726 Cherokee Dr., Mercedes, Texas and encountered the owner of the residence, later identified as the defendant, Pedro RAMIREZ. Present at RAMIREZ's residence was Pena-Mota and Javier Alejandro Nieto-Vara. Nieto-Vara was also a previously deported alien.

PRINCIPAL

Pedro RAMIREZ was advised he was not under arrest. RAMIREZ stated he was willing to provide a statement and consented to a search of his residence.

RAMIREZ told agents he knew the two people inside his house were illegally present in the United States, however due to the fact that one of them was a fellow Partido Revolucionario Mexicano (PRM) gang member, RAMIREZ decided to harbor that man (Pena-Mota) and his step son (Nieto-Vara) at his house in Mercedes, Texas.

MATERIAL WITNESSES

Javier Alejandro Nieto-Vara was advised of his Miranda rights during his custodial interview, waived his rights and voluntarily provided a statement without the presence of an attorney.

Nieto stated RAMIREZ was providing him and his stepfather a place to stay, due to the fact that RAMIREZ and his stepfather were fellow PRM gang members. Nieto-Vara told agents RAMIREZ was well aware that both Nieto-Vara and his stepfather were illegally present in the United States.

Francisco Javier Pena-Mota was advised of his Miranda rights during his custodial interview, waived his rights and voluntarily provided a statement without the presence of an attorney. During his interview, Pena-Mota admitted membership in the PRM and stated he had been living with RAMIREZ for approximately 3- 4 months. Pena-Mota also stated that there was incriminating information on his phone related to human smuggling and therefore did not consent to a search of his phone.

On December 7, 2017, Pena-Mota was convicted of illegal reentry in cause number M-17-821 and sentenced to 46 months custody with the U.S. Bureau of Prisons. On August 24, 2017, Nieto-Vara was convicted of illegal reentry in cause number M-17-741 and was sentenced to serve 12 months custody with the U.S. Bureau of Prisons.